

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6328

BILL NUMBER: HB 1855

DATE PREPARED: Feb 8, 2001

BILL AMENDED: Feb 8, 2001

SUBJECT: Murder and Reckless Homicide.

FISCAL ANALYST: Sherry Fontaine

PHONE NUMBER: 232-9867

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) The bill provides that a person who kills another human being while committing or attempting to commit felony battery upon a child less than 2 years of age commits felony murder. The bill enhances the penalty for reckless homicide from a Class C felony to a Class B felony if the reckless conduct involves shaking a child less than 2 years of age.

Effective Date: July 1, 2001.

Explanation of State Expenditures: (Revised) This bill creates an additional criminal offense for which murder may be charged. It also enhances felonies (from a Class C to Class B felony) for reckless homicide. As a result, state expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. A Class C felony is punishable by a prison term ranging from two to eight years, depending upon mitigating and aggravating circumstances. A Class B felony is punishable by a prison term ranging from six to twenty years. Felony murder is punishable by a prison term of 45 to 65 years.

If a victim is less than 2 years of age, the prosecuting attorney may choose to file for either death or life without parole, depending on the circumstances of the case. This could increase the involvement of the Office of Attorney General and the State Public Defender's Office if more death penalty cases are filed because of this bill. More death penalty cases could increase requests for reimbursements to counties from the Public Defense Fund, which reimburses counties 50% for the cost of defending indigent persons tried in capital cases.

Public Defense Fund expenditures for FY 1996 through FY 2000 for partially reimbursing counties for the costs of capital cases are provided in the following table.

FY	1996	1997	1998	1999	2000
Expenditure	\$505,165	\$371,047	\$799,450	\$526,512	\$578,209

The Fund also partially reimburses counties for the costs of noncapital cases as provided in the following table.

FY	1996	1997	1998	1999	2000
Expenditure	\$668,747	\$628,841	\$1,031,467	\$2,188,699	\$3,302,471

The Public Defense Fund receives \$2.4 M annually in transfers from the General Fund generated from court fees.

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for all (1) Class B felony offenders is approximately three years, six months, (2) Class C felony offenders is approximately two years, and (3) felony murder offenders is approximately 17 years, six months.

Explanation of State Revenues: No change would likely occur in state revenue as a result of the enhanced penalties since criminal fines and court fees are the same for Class C, B, and murder felonies.

Explanation of Local Expenditures: Local expenditures may increase if a prosecuting attorney decides to seek the death penalty against a defendant. Research indicates that the trial and appeals costs for death penalty cases can be two to three times more than the current range of \$37,000 and \$90,000 spent to impose prison sentences. (Death penalty case costs are further inflated due to additional police investigation and court time, prosecution resources expended, or the costs of a lengthy jury trial with a sequestered jury.) These expenses would be covered by the county general fund.

Explanation of Local Revenues: No additional revenues would be expected as a result of the enhanced penalties since the court fees are the same for Class C, B, and murder felonies.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.